

## **REMARKS**

### **SUMMARY:**

The subject application sets forth claims 1, 3-37 and 39-63, of which claims 1, 18, 28, 41, 47, 51, 52 and 61 are independent claims.

Claims 1, 3-15, 17, 45-58, 60-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,437,692 (Petite et al.) and further in view of U.S. Patent No. 5,553,094 (Johnson et al.). Claim 16 is rejected under U.S.C. § 103(a) as being unpatentable over Petite et al. and Johnson et al. and further in view of U.S. Patent No. 5,897,607 (Jenny et al.). Claims 18, 19, 28-37, 39-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Petite et al. Claims 20-27, 43, 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Petite et al. and further in view of Jenney et al.

Responses to the rejections summarized above (including traversals of the prior art rejections) are hereafter presented with respect to each individual argument presented by the Examiner.

### **ALLOWED SUBJECT MATTER:**

Applicant notes with appreciation official indication that original claim 59 is indicated as having allowable subject matter. As such, independent claim 52 has been rewritten to include the features of claim 59 that are patentable over the presently cited references, for clear allowance of claims 52-60, without entry of new matter.

### **35 U.S.C. § 103(a) REJECTIONS (Claims 1, 3-37, 39-51, 61-63):**

Applicant respectfully requests reconsideration and allowance of the above claims based on the presently submitted amendments and the following remarks.

**CLAIMS 18-27:**

The October 28, 2003 Office Action sets forth on numbered page 9 that independent claim 18 is unpatentable under 35 U.S.C. § 103(a) solely over U.S. Patent No. 6,437,692 (Petite et al.). More particularly, the Office Action sets forth that Petite et al. discloses all elements of claim 18 “except storing the filtered data in an intermediate device. However, Petite discloses in col. 11, lines 4-32 the local gateway having a memory used to identify the transmitting transceiver, also controlling the operation of the CPU to evaluate the incoming data packet and determine actions to be taken. Petite addresses the receiving of data from a plurality of sensors and filtering this data would suggest means to store incoming data because filtering of data suggests comparing stored data to other incoming data and Petite discloses a memory means.”

Applicant respectfully asserts that Petite et al. does not disclose such step of storing data in an intermediate device, nor does Petite et al. suggest such a step as alleged in the recent Office Action. Although Petite et al. does disclose a local gateway with a memory, this memory is not configured for storing data from a plurality of devices as set forth in present claim 18. In contrast, referring now to col. 11, lines 4-32 of Petite et al. as cited by the Examiner, the memory 424 in gateway 210 is intended merely to store look-up tables and/or program code for controlling operations of an integrated CPU component. A memory capable of storing a series of successive measurements from each of a plurality of telemetry devices, as set forth in present claim 18, would require much higher capacity and/or complexity than the memory associated with the local gateway of Petite et al.

The Office Action alleges that since Petite et al. discloses local gateways configured to evaluate an incoming data packet to determine what actions need to be taken, this would suggest comparing stored data to other incoming data. However, as should be understood by those in the art and by the disclosure of Petite et al., evaluation of data does not require comparison to similar stored data. To the contrary, data evaluation as disclosed in Petite et al. often refers simply to comparison of a data header or identification variable to stored lookup tables, which would typically be preprogrammed in the gateway memory. The type of data evaluation that may occur at the local gateways of Petite et al. does not suggest storing the data in the memory.

In contrast to the alleged suggestion that the Petite et al. system stores the series of successive measurements from the plurality of telemetry devices as set forth in present claim 18, the disclosure of Petite et al. actually teaches away from storing data at such intermediate locations. More particularly, Petite et al. teaches that a database server associated with a central server station is preferably where client specific data may be stored (see col. 6, lines 29-30). More specifically, in col. 7, lines 41-57 of Petite et al., “server 260 collects, formats, and stores client specific data from each of the integrated transceivers...for later retrieval or access from workstation 250 or laptop 240”. As such, it is the server component of Petite et al. as opposed to the local gateway component where collected data is stored.

The storing and filtering of a series of successive measurements from a plurality of telemetry devices as set forth in present claim 18 is evidence that the referenced intermediate collection/processing device is intended in such exemplary embodiment of the invention to be provided with advanced functionality. In more particular embodiments of the present technology, such advanced functionality includes such operations as the generation of metered functions. Page 16, lines 5-9 of the subject application specifically suggest the option of providing this type of functionality at an intermediate collection (pathway) device as opposed to at a central data processing center. This type of advanced functionality, including advanced data processing (e.g., timestamping and analysis by a store/forward thread) and storage is only performed at the centralized server component of the Petite et al. system, as opposed to the intermediate gateway component.

As such, the method of collecting data as set forth in present claim 18 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 18 are not disclosed in or implied from such reference. Based on the above response, Applicant respectfully submits that claim 18 is in condition for allowance and acknowledgement of the same is earnestly solicited.

Claims 19-27 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from otherwise allowable claim 18 and further limit same, all claims 18-27 should be allowed.

**CLAIMS 28-37, 39, AND 40:**

The October 28, 2003 Office Action sets forth on numbered page 10 that the network device set forth in claim 28 is unpatentable under 35 U.S.C. § 103(a) solely over U.S. Patent No. 6,437,692 (Petite et al.). More particularly, the Office Action sets forth that Petite et al. discloses all elements of claim 28 including a storage device and an HTTP server to host at least one web page that displays the collected data.

Applicant respectfully asserts that Petite et al. does not disclose “at least one storage device to store a subset of processed data” as set forth in present claim 28, nor does Petite et al. suggest such aspect as alleged in the recent Office Action with reference to claim 18. Although Petite et al. does disclose a local gateway with a memory, this memory is not configured to store data from a plurality of sensors as set forth in present claim 28. In contrast, referring now to col. 11, lines 4-32 of Petite et al., the memory 424 in gateway 210 is intended merely to store look-up tables and/or program code for controlling operations of an integrated CPU component. A memory capable of storing a subset of processed data from each of a plurality of sensors, as set forth in present claim 28, would require much higher capacity and/or complexity than the memory associated with the local gateway of Petite et al.

The Office Action alleges with regard to claim 18 (and again references such allegation in rejecting claim 28) that since Petite et al. discloses local gateways configured to evaluate an incoming data packet to determine what actions need to be taken, this would suggest comparing stored data to other incoming data. However, as should be understood by those in the art and by the disclosure of Petite et al., evaluation of data does not require comparison to similar stored data. To the contrary, data evaluation as disclosed in Petite et al. often refers simply to comparison of a data header or identification variable to stored lookup tables, which would typically be preprogrammed in the gateway memory. The type of data evaluation that may occur at the local gateways of Petite et al. does not suggest storing the data in the memory.

In contrast to the alleged suggestion that the Petite et al. device includes a storage device to store a subset of processed data from a plurality of sensors as set forth in present claim 28, the disclosure of Petite et al. actually teaches away from storing data at such an intermediate

location. More particularly, Petite et al. teaches that a database server associated with a central server station is preferably where client specific data may be stored (see col. 6, lines 29-30). More specifically, in col. 7, lines 41-57 of Petite et al., “server 260 collects, formats, and stores client specific data from each of the integrated transceivers...for later retrieval or access from workstation 250 or laptop 240”. As such, it is the server component of Petite et al. as opposed to the local gateway component where collected data is stored.

Applicant respectfully asserts that Petite et al. also fails to disclose a network device having “an HTTP server to host at least one web page that displays the collected data” as set forth in present claim 28. Petite et al. discloses in col. 7, lines 41-47, that a central server 260 collects, formats and stores data from each of a plurality of transceivers. A workstation or laptop coupled to the central server may then be used to access the stored information through a Web browser. Col. 12, lines 11-23 describes how it is the server component of the system in Petite et al. that is configured with web applications and client specific applications as required, not the gateway device. As such, Petite et al. does not disclose the network device of claim 28 having an HTTP server to host at least one web page.

Features for processing and storing of sensor data as set forth in present claim 28, as well as features for hosting a web page are evidence that the exemplary network device embodiment of claim 28 is intended to be provided with advanced functionality. As further set forth in claim 28, this advanced functionality includes such operations as the time-stamping and filtering of data. This type of advanced functionality is only performed at the centralized server component of the Petite et al. system, as opposed to an intermediate gateway component.

As such, the network device as set forth in present claim 28 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 28 are not disclosed in or implied from such reference. Based on the above response, Applicant respectfully submits that claim 28 is in condition for allowance and acknowledgement of the same is earnestly solicited. Claims 29-37, 39 and 40 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from otherwise allowable claim 28 and further limit same, all claims 28-37 and 39-40 should be allowed.

#### **CLAIMS 41-46:**

The October 28, 2003 Office Action sets forth on numbered pages 10 and 11 that the network device set forth in claim 41 is unpatentable under 35 U.S.C. § 103(a) solely over U.S. Patent No. 6,437,692 (Petite et al.). More particularly, the Office Action sets forth that Petite et al. discloses all elements of claim 41 including a computer program comprising instructions for causing the network device to both display data on at least one web page and to store data at the network device.

Applicant respectfully asserts that Petite et al. does not disclose instructions at the network device for displaying data on at least one web page. Petite et al. discloses in col. 7, lines 41-47, that a central server 260 collects, formats and stores data from each of a plurality of transceivers. A workstation or laptop coupled to the central server may then be used to access the stored information through a Web browser. Col. 12, lines 11-23 describes how it is the server component of the system in Petite et al. that is configured to define (i.e., provide instructions for hosting) web applications and client specific applications as required, not the gateway device. As such, Petite et al. does not disclose the network device of claim 41 having instructions to display data on at least one web page.

Applicant respectfully asserts that Petite et al. also fails to disclose instructions for storing data received by the LAN device as set forth in present claim 28. Although Petite et al. does disclose a local gateway with a memory, this memory is not configured to store data from a plurality of sensors as set forth in present claim 41, nor are instructions to do so provided in a computer program running at the local gateway. In contrast, referring now to col. 11, lines 4-32 of Petite et al., the memory 424 in gateway 210 is intended merely to store look-up tables and/or program code for controlling operations of an integrated CPU component. A memory capable of storing a subset of processed data from each of a plurality of sensors, as referenced in present claim 41, would require much higher capacity and/or complexity than the memory associated with the local gateway of Petite et al.

In contrast to the alleged suggestion that an intermediate device in Petite et al. includes instructions for storing data at such an intermediate device, the disclosure of Petite et al. actually

teaches storing data at a different location. More particularly, Petite et al. teaches that a database server associated with a central server station is preferably where client specific data may be stored (see col. 6, lines 29-30). More specifically, in col. 7, lines 41-57 of Petite et al., “server 260 collects, formats, and stores client specific data from each of the integrated transceivers...for later retrieval or access from workstation 250 or laptop 240”. As such, it is the server component of Petite et al. as opposed to the local gateway component where collected data is stored.

As such, the network device as set forth in present claim 41 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 41 are not disclosed in or implied from such reference. Based on the above response, Applicant respectfully submits that claim 41 is in condition for allowance and acknowledgement of the same is earnestly solicited. Claims 42-46 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from otherwise allowable claim 41 and further limit same, all claims 41-46 should be allowed.

#### **CLAIMS 47-50:**

The October 28, 2003 Office Action sets forth on numbered pages 5-6 that the data collection systems set forth in respective claims 47 and 49 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,437,692 (Petite et al.) and further in view of U.S. Patent No. 5,553,094 (Johnson et al.). More particularly, the Office Action sets forth that all elements of respective claims 47 and 49 are included as stated in the Office Action in regards to claims 1, 4 and 18.

Present independent claims 47 and 49 are similar to present claim 28 in that they are all intermediate-type devices and each includes features for storing data and for providing a server to host at least one page. As such, Applicant respectfully traverses the prior art rejections of claims 47 and 49 based on the remarks already presented in this response in regard to claim 28.

Based on those applicable comments, the respective data collection systems as set forth in present claims 47 and 49 are clearly distinguished from the technology set forth in Petite et al. since all respective elements of claims 47 and 49 are not disclosed in or implied from such

reference. Based on the above response, Applicant respectfully submits that claims 47 and 49 are in condition for allowance and acknowledgement of the same is earnestly solicited. Claims 48 and 50 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from respective otherwise allowable claims 47 and 49 and further limit same, all claims 47-50 should be allowed.

**CLAIM 51:**

The October 28, 2003 Office Action sets forth on numbered page 6 that the network set forth in claim 51 is unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,437,692 (Petite et al.) and further in view of U.S. Patent No. 5,553,094 (Johnson et al.). More particularly, the Office Action sets forth that Petite et al. discloses all elements of claim 51 including intermediate devices including an HTTP server to host at least one web page.

Applicant respectfully asserts that Petite et al. fails to disclose a plurality of intermediate devices having “an HTTP server to host at least one web page” as set forth in present claim 51. Petite et al. discloses in col. 7, lines 41-47, that a central server 260 collects, formats and stores data from each of a plurality of transceivers. A workstation or laptop coupled to the central server may then be used to access the stored information through a Web browser. Col. 12, lines 11-23 describes how it is the server component of the system in Petite et al. that is configured with web applications and client specific applications as required, not the gateway device. As such, Petite et al. does not disclose the intermediate devices of claim 51, each device having an HTTP server to host at least one web page.

Features for hosting a web page are evidence that the exemplary intermediate devices set forth in claim 51 are intended to be provided with advanced functionality. This type of advanced functionality is only performed at the centralized server component of the Petite et al. system, as opposed to an intermediate gateway component.

As such, the network as set forth in present claim 51 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 51 are not disclosed in or implied



from such reference. Based on the above response, Applicant respectfully submits that claim 51 is in condition for allowance and acknowledgement of the same is earnestly solicited.

**CLAIMS 61-63:**

The October 28, 2003 Office Action sets forth on numbered page 7 that the method of collecting data set forth in claim 61 is unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,437,692 (Petite et al.) and further in view of U.S. Patent No. 5,553,094 (Johnson et al.).

Present independent claim 61 is similar to present claim 18 in that they are both directed to methods of collecting data and each includes features for storing data at a processing/pathway device. As such, Applicant respectfully traverses the prior art rejection of claim 61 based on the remarks already presented in this response in regard to claim 18.

In addition to the above-referenced remarks, Applicant respectfully asserts that Petite et al. also fails to disclose a method of collecting data including the step of “displaying the transmitted data on at least one web page hosted by the pathway device” as set forth in present claim 61. Petite et al. discloses in col. 7, lines 41-47, that a central server 260 collects, formats and stores data from each of a plurality of transceivers. A workstation or laptop coupled to the central server may then be used to access the stored information through a Web browser. Col. 12, lines 11-23 describes how it is the server component of the system in Petite et al. that is configured with web applications and client specific applications as required, not the gateway device. As such, Petite et al. does not disclose hosting a web page at an intermediate pathway device, but only at a central server location.

As such, the method of collecting data as set forth in present claim 61 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 61 are not disclosed in or implied from such reference. Based on the above response, Applicant respectfully submits that claim 61 is in condition for allowance and acknowledgement of the same is earnestly solicited. Claims 62-63 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from respective otherwise allowable claims 61 and further limit same, all claims 61-63 should be allowed.

### **CLAIMS 1-17:**

The October 26, 2003 Office Action sets forth that claims 1, 3-15, and 17 are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,437,692 (Petite et al.) and further in view of U.S. Patent No. 5,553,094 (Johnson et al.). Independent claim 1 sets forth a data collection system generally including a plurality of telemetry devices and a plurality of collection devices. As presently amended, claim 1 more particularly sets forth that each of the plurality of collection devices includes at least one storage device for storing selected transmissions received from selected of the plurality of telemetry devices and an HTTP server configured to host at least one web page that displays information corresponding to selected of the received and forwarded transmissions. Applicant respectfully submits that Petite et al. fails to disclose all elements of present claim 1.

More particularly, applicant submits that Petite et al. does not disclose “at least one storage device for storing selected of the received transmissions” as set forth in present claim 1, nor does Petite et al. suggest such a device as alleged in the recent Office Action with reference to claim 18. Although Petite et al. does disclose a local gateway with a memory, this memory is not configured to store transmissions from selected telemetry devices as set forth in present claim 1. In contrast, referring now to col. 11, lines 4-32 of Petite et al., the memory 424 in gateway 210 is intended merely to store look-up tables and/or program code for controlling operations of an integrated CPU component. A memory capable of storing a subset of received transmissions from selected of a plurality of telemetry device, as set forth in present claim 1, would require much higher capacity and/or complexity than the memory associated with the local gateway of Petite et al.

The Office Action alleges that since Petite et al. discloses local gateways configured to evaluate an incoming data packet to determine what actions need to be taken, this would suggest comparing stored data to other incoming data. However, as should be understood by those in the art and by the disclosure of Petite et al., evaluation of data does not require comparison to similar stored data. To the contrary, data evaluation as disclosed in Petite et al. often refers simply to comparison of a data header or identification variable to stored lookup tables, which would

typically be preprogrammed in the gateway memory. The type of data evaluation that may occur at the local gateways of Petite et al. does not suggest storing the data in the memory.

In contrast to the alleged suggestion that the Petite et al. collection devices include a storage device to store selected of the received data transmissions from selected of a plurality of telemetry devices as set forth in present claim 1, the disclosure of Petite et al. actually teaches away from storing data at such an intermediate location. More particularly, Petite et al. teaches that a database server associated with a central server station is preferably where client specific data may be stored (see col. 6, lines 29-30). More specifically, in col. 7, lines 41-57 of Petite et al., “server 260 collects, formats, and stores client specific data from each of the integrated transceivers...for later retrieval or access from workstation 250 or laptop 240”. As such, it is the server component of Petite et al. as opposed to the local gateway component (i.e., an intermediate collection device) where collected data is stored.

Applicant respectfully asserts that Petite et al. also fails to disclose a plurality of collection devices each having “an HTTP server to host at least one web page that displays information corresponding to selected of the received and forwarded transmissions” as set forth in present claim 1. Petite et al. discloses in col. 7, lines 41-47, that a central server 260 collects, formats and stores data from each of a plurality of transceivers. A workstation or laptop coupled to the central server may then be used to access the stored information through a Web browser. Col. 12, lines 11-23 describes how it is the server component of the system in Petite et al. that is configured with web applications and client specific applications as required, not the gateway devices. As such, Petite et al. does not disclose the collection devices of claim 1 each having an HTTP server to host at least one web page.

Features for processing and storing of telemetry transmissions as set forth in present claim 1, as well as features for hosting a web page are evidence that the exemplary collection devices in the data collection system of claim 1 are intended to be provided with advanced functionality. This type of advanced functionality is only performed at the centralized server component of the Petite et al. system, as opposed to an intermediate gateway component.

As such, the data collection system as set forth in present claim 1 is clearly distinguished from the technology set forth in Petite et al. since all elements of claim 1 are not disclosed in or implied from such reference. Based on the above response, Applicant respectfully submits that claim 1 is in condition for allowance and acknowledgement of the same is earnestly solicited. Claims 3-17 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable. Since such claims variously depend from otherwise allowable claim 1 and further limit same, all claims 1 and 3-17 should be allowed.

**CONCLUSION:**

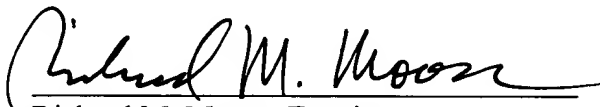
Inasmuch as all the outstanding issues have been addressed it is respectfully submitted that the present application, including claims 1, 3-37 and 39-63, is in complete condition for issuance of a formal Notice of Allowance, and action to such effect is earnestly solicited. The Examiner is invited to telephone the undersigned at his convenience should only minor issues remain after consideration of this response in order to permit early resolution of the same.

Respectfully submitted,

DORITY & MANNING,  
ATTORNEYS AT LAW, P.A.

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